

### **REMARKS/ARGUMENTS**

Prior to entry of this amendment, claims 1-2, 5-9, and 21-27 were pending in this application. Claims 1, 21, and 22 have been amended, no claims have been canceled, and no claims have been added herein. Therefore, claims 1, 2, 5-9, and 21-27 remain pending. The Applicants respectfully request reconsideration of these claims for at least the reasons presented below.

#### **35 U.S.C. § 103 Rejection, Kaminski in view of Goldman, and further in view of Quine**

Claims 1-2, 5-9 and 21-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub. No. 2005/0044155 A1 of Kaminski et al. (hereinafter “Kaminski”) in view of U.S. Patent Pub. No. 2003/0233418 A1 of Goldman (hereinafter “Goldman”), and further in view of U.S. Patent Pub. No. 2002/0023138 A1 of Quine et al. (hereinafter “Quine”). The Applicants respectfully submit that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims, as amended. Therefore, the Applicants request reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, all claimed limitations must first be taught or suggested by the prior art. See, e.g., *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006). The Office Action must then provide an explicit analysis supporting the rejection. See *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (“a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art”). While the Office Action can use one of several exemplary rationales from the MPEP to support an obviousness rejection under *KSR*, all the rationales still require the Office Action to demonstrate that all the claim elements are shown in the prior art. See MPEP §2143. As will be discussed below, the references cited by the Office Action do not teach or suggest each claimed limitation. For example, none of the references, alone or in combination, teach or suggest an e-

mail authorization system receiving a request for authorization to forward an electronic mail message and responding to the request with an authorization indicator that indicates the source of the request for authorization, wherein the authorization indicator is sent from the e-mail authorization system to the address of the source device after authorization.

Kaminski is directed to “relates generally to systems and methods of filtering unwanted electronic mail messages, commonly referred to as spam.” (paragraph 2) Under Kaminski, “when the first user sends an email message to the second user, the first user’s mail client sends an authorization request to the first user’s mail server . . . [which] authorizes the second user to send mail to the first user.” (paragraph 4) “Authorization may comprise adding the first user to an accept list in conventional challenge response systems, or assigning a qualifying score to the first user in a score based challenge response system.” (paragraph 4) However, without conceding Kaminski’s availability as prior art, the Applicants respectfully contend that Kaminski, even if considered to be valid prior art, does not teach or suggest an e-mail authorization system receiving a request for authorization to forward an electronic mail message and responding to the request with an authorization indicator that indicates the source of the request for authorization, wherein the authorization indicator is sent from the e-mail authorization system to the address of the source device after authorization (which is then used by the destination/recipient to handle an email message). Rather, Kaminski describes filtering, i.e., delivering or not delivering, incoming messages to the recipient to eliminate unsolicited/unwanted messages based on whether the sender is on an accept list or has a particular score.

Goldman is directed to “management of electronic messages to reduce the volume of unwanted electronic messages that are received by recipients.” (paragraph 2) More specifically, Goldman describes “filtering incoming electronic messages according to the sender’s address, which is an address that actually identifies or purports to identify the sender of the electronic message.” (paragraph 8) However, Goldman also does not teach or suggest, alone

or in combination with Kaminski, an e-mail authorization system receiving a request for authorization to forward an electronic mail message and responding to the request with an authorization indicator that indicates the source of the request for authorization, wherein the authorization indicator is sent from the e-mail authorization system to the address of the source device after authorization. Rather, similar to Kaminski, Goldman describes filtering, i.e., delivering or not delivering, email messages to a recipient based on the sender's address and categorizations applied by a filter module. (See for example paragraph 49)

Quine is directed to "forwarding e-mail messages intended to be initially delivered to an obsolete or disfavored address to a chosen forwarding address associated with the obsolete or disfavored e-mail address." (paragraph 2) However, Quine also fails to teach or suggest, alone or in combination with Kaminski and/or Goldman, an e-mail authorization system receiving a request for authorization to forward an electronic mail message and responding to the request with an authorization indicator that indicates the source of the request for authorization, wherein the authorization indicator is sent from the e-mail authorization system to the address of the source device after authorization. Rather, Quine describes forwarding an email from one address of a recipient to another address of the recipient.

Claim 1, upon which claims 2 and 4-9 depend, recites in part "receiving at an e-mail authorization system from a source a request for authorization to forward an electronic mail message, the request identifying an address of the source of said request; authorizing the request with the e-mail authorization system including generating an authorization indicator that indicates the source of said request for authorization; responding to the source of said request for authorization with the e-mail authorization system, wherein a response to said request for authorization includes the authorization indicator and wherein the authorization indicator is sent from the e-mail authorization system to the address of the source of the request after authorization; receiving the electronic mail message at a destination, the electronic mail message including an address for a source of the electronic mail message and the authorization indicator;

and handling receipt of said electronic mail message at the destination, including verifying the address for the source of the electronic message included in the received said electronic mail message against the authorization indicator.” None of the references, alone or in combination, teach or suggest an e-mail authorization system receiving a request for authorization to forward an electronic mail message and responding to the sender of the request with an authorization indicator that indicates the source of the request for authorization, wherein the authorization indicator is sent from the e-mail authorization system to the address of the source device after authorization. For at least these reasons, the Applicants respectfully request reconsideration and withdrawal of the rejection.

Similarly, new claim 21, upon which claims 22-27 depend, recites in part “a source device adapted to send a request for authorization to forward an electronic mail message, the request identifying an address of the source device; and an e-mail authorization system communicatively coupled with the source device and adapted to receive the request for authorization to forward the electronic mail message, generate an authorization indicator that indicates the source of the request for authorization, and send the authorization indicator to the address of the source device after authorization.” None of the references, alone or in combination, teach or suggest an e-mail authorization system receiving a request for authorization to forward an electronic mail message and responding to the sender of the request with an authorization indicator that indicates the source of the request for authorization, wherein the authorization indicator is sent from the e-mail authorization system to the address of the source device after authorization. For at least these reasons, the Applicants respectfully request reconsideration and withdrawal of the rejection.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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